

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SHANE JOSEPH GEESEY,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,<sup>1</sup>

Defendant.

CASE NO. 12-cv-05851 RBL

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 23.)

<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as the defendant in this suit.

1 After reviewing defendant's stipulated motion and the relevant record, the undersigned  
2 recommends that the Court grant defendant's motion, and reverse and remand this matter to the  
3 Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

4 On remand, based on the parties' stipulation, this Court recommends that the Administrative  
5 Law Judge (ALJ) hold a *de novo* hearing. The ALJ should also:

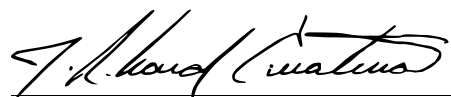
- 6 1. update the medical record as necessary;
- 7 2. evaluate plaintiff's disability rating from the Department of Veterans Affairs and the  
8 accompanying medical evidence, explaining the weight given to this evidence;
- 9 3. articulate the weight given to the medical opinions of record; and
- 10 4. consider any new evidence submitted and continue the sequential evaluation process,  
11 obtaining vocational expert testimony, if necessary.

12 This Court further recommends that the ALJ take any other actions necessary to develop  
13 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments  
14 to the ALJ on remand.

15 This Court will consider plaintiff's application for costs and attorney's fees pursuant to the  
16 Equal Access to Justice Act, 28 U.S.C. § 2412(d), and 42 U.S.C. § 406(b), following proper  
17 presentation to the Court.

18 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
19 immediately approve this Report and Recommendation and order the case be **REVERSED** and  
20 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

21 Dated this 15th day of March, 2013.

22 

23 J. Richard Creatura  
24 United States Magistrate Judge